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09/725,815	11/30/2000	Hideaki Yui	35.C15025	8732

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EXAMINER

RAMAN, USHA

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/725,815	Applicant(s) YUI ET AL.	
	Examiner Usha Raman	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 23-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 23-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. The English translation papers of Japanese Application No. 11-344565 submitted on July 24th, 2006 perfects the claim to priority under 35 U.S.C. 119(a)-(d) and is sufficient to overcome the Cooper reference for claims 1-5, 6-10, 12, 19-21, 23-46. The English translation however lacks support for claims 13 and 14 and therefore is insufficient to overcome Cooper reference for claims 13-18.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 30th, 2005 has been entered.

Information Disclosure Statement

3. A copy of the information disclosure statement filed on February 5th, 2001 containing a listing of information to be considered is missing and therefore has not been considered. Applicant is requested to submit another copy of the information disclosure statement filed on February 5th, 2001

Response to Arguments

4. Applicant's arguments with respect to the independent claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7, 10-14, 18-21, 23-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu et al. (US Pat. 5,686,954) in view of Finseth et al. (US Pat. 6,813,775).

With regards to claim 1, Yoshinobu discloses a receiving apparatus comprising:

Receiving means for receiving a broadcasting signal (column 13, lines 14-21, and lines 26-53) in which information signals having program information for each of a plurality of programs are multiplexed (column 8, lines 1-47, column 31, lines 45-55);

Information output means for outputting to a user, program information for each program (column 13, lines 55-65)

Selecting means for selecting by the user, a program corresponding to first program information from the plurality of programs (column 13, lines 45-53);

Yoshinobu fails to disclose: an input means for inputting by the user, second program information regarding the selected program; integrating means for integrating the first and second program information; transmitting means for transmitting the integrated program information as recommendation guide information to an external apparatus which is accessible by another user.

Finseth discloses a system for sharing viewer preference information and thereby informing other users of a program a first user is watching by transmitting an information about a program and comments about the program (see column 12, lines 32-36), the system comprising:

Input means (keyboard, remote control) for inputting by the user, second program information (comments or notes) regarding the selected program (see column 12, lines 32-36);

Transmitting means (interface 82) for transmitting the integrated program information as recommendation guide information (viewing preference information) to an external apparatus (receiver of the recipient), which is accessible by another user (recipient). See column 12, lines 42-46.

The system inherently comprises "integrating means" for integrating the first (attributes of the program) and second program (user comments on the program) information since both of the information are transmitted from the sender and received at the receiver integrally. See column 12 lines 34-38 and column 14, lines 55-58.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Yoshinobu in view of Finseth, by allowing a user to transmit information about a program he/she is watching in an email message, thereby allowing the user to transmit additional notes in recommending the program to the second user.

With regards to claim 2, the broadcasting signal of the modified system is further multiplexed with program attribute data (See Yoshinobu: column 8, lines 38-67, column 11, lines 40-25) of the plurality of programs, said integration means includes means for integrating the selected program with the first and second program information (See Finseth: column 12, lines 19-23 and lines 30-35, attributes are stored in sub-history table, and the history table containing attributes shared with other users).

With regards to claim 3, the modified system further comprises program table generating means for generating a program table by using program attribute data (see Yoshinobu: figure 15, column 20, lines 40-67), and the selecting means includes means for selecting by the user program from a plurality of programs contained in the program list (see Yoshinobu: column 21, lines 14-37)

With regards to claim 4, the second program information of the modified system includes arbitrary comment information. See Finseth, column 12, lines 32-38.

With regards to claim 5, the selecting means of the modified system searches the plurality of programs in accordance with a retrieval condition and selects a program in accordance with a search condition (see Yoshinobu: column 22, lines 13-37)

In regards to claim 6, see claims 1 and 3. In further regards to claim 6, the viewing preference information that is transmitted containing user's notes and the recommended programs are stored at the receiver and therefore is a file that can be

stored. See Finseth, column 13, lines 11-15. The system therefore inherently generates the output file containing the first and second program information and subsequently transmits the viewing preference information over a communications network to the recipient of the message, who stores the files upon receipt. See column 12, lines 42-46, lines 66-67 and column 13, lines 1-2.

With regards to claim 7, the output file includes a plurality of information items (e.g. name, phone number, group affiliation) and the file generating means generates an identification tag for each of the plurality of items (name, address, group). See Finseth: figures 10 and 14.

With regards to claim 10, the transmitting means (Interface card 82) transmits the output file (i.e. viewing preference information) to a network (such as the Internet) connected to the receiving means (see Finseth: column 12, lines 42-46).

With regards to claim 11, see claims 6 and 5. The modified system comprises the means of searching for a program using retrieval condition (as taught by Yoshinobu in column 22, lines 13-37 and as taught by Finseth in column 12, lines 40-41; sending selective information such as attributes regarding programs), and the user can further transmit the selected program information of the programs that satisfied the retrieval condition to another user as taught previously (see claim 6). Also see Finseth: column 9, lines 8-12, column 10, lines 44-47, column 11, lines 28-31 (search by attributes for selection of programs, upon tuning to the program from EPG, send program recommendation).

With regards to claim 12, Yoshinobu discloses a receiving means for receiving a television signal in which video signals of a plurality of broadcasting programs and program guide information of the plurality of broadcast programs are multiplexed; (see column 8, lines 1-67, column 11, lines 40-52, column 31, lines 45-55);

Extraction means for extracting program guide information from the broadcasting signal received by the receiving means (column 13, lines 5-15, lines 45-53);

Input means for inputting selection guide information of a program selected from an external apparatus, (see column 13, lines 45-53, column 21, lines 14-37); program table generating means for generating a first program table indicating the plurality of broadcasting programs on the basis of the program guide information extracted by the extraction means (see figure 15, column 20, lines 40-67) and for generating a second program table indicating the selected program in accordance with the selection guide information by the input means (column 22, lines 32-53).

Yoshinobu fails to specifically disclose that a second user can access the selected program guide, recommended by the first user.

Finseth discloses the step of a first user receiving a program list (viewing preference information), from an external device, wherein the second user has informed/recommended the first user of a program he/she has tuned to and generating a second program table indicating received recommendation list. See column 13, lines 9-23.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Yoshinobu in view of Finseth by allowing a first user to receive information about a program another user is watching through an email message, thereby allowing the first user to view programs recommended by others.

With regards to claim 19, the modified system shows input means inputs a plurality of selection guide information (see Yoshinobu: column 22, lines 13-45), the program table generating means generates the second program table on the basis of the selection guide information selected from' among the plurality of selection guide information (see Yoshinobu: column 22 lines 32-53)

With regards to claim 20, the modified system shows the program table generating means generates a two-dimensional program table having a broadcasting time as one axis and a channel as the other axis (see Yoshinobu: fig. 15).

With regards to claim 21, the modified shows the program table generating means displays information of the selected programs in a corresponding area of the second program table and inhibits information of other programs from being displayed in other areas (see Yoshinobu: fig. 16a, 16b, n).

With regards to claim 23, shows generating a frame over an area in the first program table, corresponding to the selected program (See Yoshinobu: fig. 16b, 17b).

With regards to claim 24, the modified system shows generating a predetermined mark in a predetermined area in the first program table corresponding to the selected program (See Yoshinobu: fig. 15, shaded or highlighted selected program).

With regards to claim 25, the modified system shows a designating means for designating an arbitrary program from a plurality of programs contained in the second program table (See Yoshinobu: fig. 18 and 19, col. 23 lines 15-52, selecting program from searched programs), and signal processing means for processing the information signal of a video signal of a program designated by said designating means, among the video signals received by said receiving means (col. 22 lines 54-60, col. 23 lines 60-67,).

With regards to claim 26, Yoshinobu shows a receiving means for receiving a television broadcasting signal in which video signals of a plurality of broadcasting programs are multiplexed (col. 8 lines 1-67, col. 31 lines 45-55, col. 11 lines 40-52,), output means for outputting the video signal of the broadcasting programs received by said receiving means to a display device (col. 13 lines 55-65), retrieving means for retrieving a program from the plurality of broadcasting programs in accordance with a predetermined condition (col. 22 lines 13-45, col. 22 lines 54-60), input means for inputting selection guide information of the programs selected from a plurality of broadcasting programs, from an external apparatus (col. 13 lines 45-53, col. 21 lines 14-37), and programs table generating means for generating a program table in accordance with a retrieval result by said retrieving means (col. 22 lines 32-53,) and

the selection guide information input by the input means and for outputting data representative of the program table to said display device (fig. 16-19, displaying searched and selected items). Although another user could access the selected programs in Yoshinobu, he fails to specifically state this fact.

Finseth shows transmitting program input selections (preference viewing information transmitted contains selections of programs as well as comments) to an external apparatus (recipient's receiver) that is accessible by another user (the receiver). See column 12, lines 19-23 and column 12, lines 30-35.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yoshinobu with the ability to transmit program selections for access by other users, as shown by Finseth, so that users could be recommended a selection of particular shows in order to find interesting media.

With regards to claim 27, the modified system shows the program table generating means generates a two-dimensional program table having a broadcasting time as one axis and a channel as the other axis (See Yoshinobu: fig. 15).

With regards to claim 28, Yoshinobu shows that only the program selected and programs selected in accordance with the retrieval results are displayed in corresponding areas of the programs table (fig. 16b, 17b, and 19, only programs that are selected and relate to the search category are displayed).

With regards to claim 29, Yoshinobu shows that selected items can be displayed in different colors and shades (col. 28 lines 64-67, col. 29 lines 38-45, change of color, monochrome reversal display, fig. 19, shading of selected item).

With regards to claim 30, Yoshinobu shows that only programs that are coincident with the retrieval results are displayed in the program table (fig. 18 and 19, displaying the shows that correspond to a designated criteria). It is noted that shading of the selected item in fig. 19 results in a reduction in brightness of the cell as compared to other cells. In addition, colors have different levels of brightness, i.e. color vs. monochrome.

With regards to claim 31, Yoshinobu shows in the broadcasting signal, program attribute data of the plurality of programs is further multiplexed (col. 8 lines 1-47, data and television programs broadcast on a number of frequencies, col. 31 lines 45-55, multiplexing data, col. 8 lines 38-67, data packets representing program information, col. 11 lines 40-52, program information), and the program table generating means generates the program in which program information generated by using the program attribute data of the selected program among the program attribute data and program information of the selected program are displayed (fig. 15, col. 20 lines 40-67, schedule generation).

With regards to claim 32, Yoshinobu shows a receiving means for receiving a television broadcasting signal in which image signals of a plurality of broadcasting programs and program guide information of the plurality of broadcasting programs are multiplexed (col. 8 lines 1-47, data and television programs broadcast on a

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number of frequencies, col. 3 1 lines 45-55, multiplexing data, col. 8 lines 38-67, data packets representing program information, col. 11 lines 40-52, program information), extracting means for extracting the program guide information from the television broadcasting signal received by said receiving means (col. 13 lines 5-15, 45-53, extracting program ID information), input means for inputting recommendation guide information of a program recommended from among the plurality of broadcasting programs, from an external apparatus (col. 13 lines 45-53, program selector for extract relevant program information, col. 21 lines 14-37, displaying program schedule corresponding to ID data and category, col. 22 lines 13-45, indicating a search criteria to display results, col. 22 lines 54-60, selecting and viewing one of the returned results), program table generating means for generating a first program table indicating the plurality of broadcasting programs, in accordance with the program guide information extracted by said extracting means and generating means (fig. 15) and generating a second program table indicating the recommended program (col. 22 lines 13-45, indicating a search criteria to display results, col. 22 lines 54-60, selecting and viewing one of the returned results, figs. 16b and 17b), on the basis of the recommendation guide information input by said input means (col. 22 lines 13-45, indicating a search criteria to display results, col. 22 lines 54-60), output means for outputting the image signals received by said receiving means and data of the first and second program tables generated by said program table generating means to a display device (figs. 15-19, col. 22 lines 50-54, processing section for display on CRT), designating means for designating an

arbitrary program in the first and second program tables (fig. 16b and 17b, selecting from the menu a category then a specific program), and controlling means for controlling said receiving means to receive the program designated by said designating means and controlling said output means to output the image signal of the designated broadcasting program to said display device (col. 22 lines 54-60, selecting item to be viewed). Although another user could access the selected program in Yoshinobu, he fails to specifically state this fact.

Finseth discloses transmitting program selections to an external apparatus, which is accessible by another user. See column 12, lines 19-23, lines 31-35, lines 42-46 and column 13, lines 11-23.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yoshinobu with the ability to transmit selections for access by other users, as shown by Finseth, so that other users could be recommended selection of particular shows in order to find interesting media.

With regards to claim 33, the method claim has been discussed with regards to the apparatus claim of Claim 1.

With regards to claim 34, the method claim has been discussed with regards to the apparatus claim of Claim 6.

With regards to claim 35, the method claim has been discussed with regards to the apparatus claim of Claim 11.

With regards to claim 36, the method claim has been discussed with regards to the apparatus claim of Claim 12.

With regards to claim 37, the method claim has been discussed with regards to the apparatus claim of Claim 26.

With regards to claim 38, the limitations of the claim have been discussed with regards to Claim 32.

With regards to claim 39, Yoshinobu shows a recording medium storing a program (col. 14 lines 13-20, CPU, RAM, ROM). All other limitations have been discussed with regards to Claim 1.

With regards to claim 40, Yoshinobu shows a recording medium storing a program (col. 14 lines 13-20, CPU, RAM, ROM). All other limitations have been discussed with regards to Claim 6.

With regards to claim 41, Yoshinobu shows a recording medium storing a program (col. 14 lines 13-20, CPU, RAM, ROM). All other limitations have been discussed with regards to Claim 1.

With regards to claim 42, Yoshinobu shows a recording medium storing a program (col. 14 lines 13-20, CPU, RAM, ROM). All other limitations have been discussed with regards to Claim 12.

With regards to claim 43, Yoshinobu shows a recording medium storing a program (col. 14 lines 13-20, CPU, RAM, ROM). All other limitations have been discussed with regards to Claim 26.

With regards to claim 44, Yoshinobu shows a recording medium storing a program (col. 14 lines 13-20, CPU, RAM, ROM). All other limitations have been discussed with regards to Claim 32.

With regards to claim 45, the receiving apparatus is selected from the group consisting of a WWW server, another receiving apparatus, and an external recording medium (see Finseth column 13, lines 29-31)

With regards to claim 46, the file generating means (receiver 62) generates output file (viewing preference information) using program information of the selected program. See Finseth column 12, lines 19-23 and lines 30-38.

7. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu et al. (US Pat. 5,686,954) in view of Finseth et al. (US Pat. 6,813,775) as applied to claim 7 above, and further in view of Lawler (US Pat. 5,758,259).

With regards to claims 8 and 9, the modified system fails to show the information item including information representative of a recommendation index of each program.

Lawler shows the step of recommending programs to an external device, wherein the recommendation step uses ranking, and scores according to user preferences (i.e. information representative of the user), see Lawler: column 2, lines 40-50, column 9, lines 35-67, column 10, lines 1-19.

It would have been obvious to further modify the system with the ability to user recommendation scoring, as taught by Lawler, so that a user would be provided with more relevant choices.

8. Claims 13, 14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu et al. (US Pat. 5,686,954) in view of Cooper et al. (US Pre Grant Pub. 2004/0231003).

With regards to claim 13, the modified system fails to disclose the step of judging whether a control means can receive the selected program and controlling the program table generation means in accordance with a judgment result so as to change contents of the second program table.

Cooper discloses a system of sharing viewing recommendations comprising control means for judging whether the receiving means can receive the selected program (see Cooper: [0050], [0051], [0047]; receiving means looks for the recommended program in various networks and various show times and receiving means checks for viewing privileges) and for controlling the program table generation means in accordance with a judgment result so as to change contents of the second program table (see Cooper: fig. 6, message 600 e.g. the recommended program "Friends" is not available in FOX for user at 600b, however, the program guide indicates "Friends" on another network, and therefore the guide at 600b is highlighted to reflect the recommended program).

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system in view of Cooper by checking the compatibility of a recommended program at the recipient and controlling the second table according to the compatibility, thereby highlighting to the viewer shows relevant to the recommendation.

With regards to claim 14, the recommendation guide information includes time information representative of a broadcasting time of the selected program, and the control means controls the program table generating means to prevent

the selected program from being displayed in the second table (i.e. lookup of recommended program fails because it is not available, and therefore not displayed) if the receiving means cannot receive the selected program guide because the broadcasting time of the selected program is judged to be incompatible (see Cooper: [0052]).

With regards to claim 18, the modified system comprises means for recording a broadcast program (see Yoshinobu: column 15, lines 10-22), a control process for judging if the recorded program is a selected program and changing the second table on the basis of that judgment (see Yoshinobu: column 30, lines 48-62).

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu et al. (US Pat. 5,686,954) in view of Finseth et al. (US Pat. 6,813,775) and Cooper et al. (US Pre Grant Pub. 2004/0231003) as applied to claim 12 above, and further in view of Vallone et al. (US Pat. 6,642,939).

With regards to claim 15, the modified system fails to prevent a selected program from being displayed in the second program table if the type of broadcasting service of the selected program is different from that receivable by the receiving means.

Vallone shows the ability to prevent a program not compatible with the receivable apparatus (preventing users of a receiver from viewing unauthorized programs; see column 17, lines 14-24).

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system to notice incompatible programs, so that a user is not presented with programs that a user is not authorized to view.

10. Claims 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu et al. (US Pat. 5,686,954) in view of Finseth et al. (US Pat. 6,813,775) and Cooper et al. (US Pre Grant Pub. 2004/0231003) as applied to claim 13 above, and further in view of Schein et al. (US Pat. 6,002,394)

With regards to claim 16, the modified system comprises a "Pay" tab on the selection menu (see Yoshinobu: fig. 15), however fails to specifically state using a pay per view program selection means.

Schein shows a pay per view program means and control means for controlling the pay per view information (column 24, lines 40-67, pay per view programs).

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system with a pay per view selection as shown by Schein so that a user could order premium programming at a price per viewing.

With regards to claim 17, the modified system fails to show restriction information of the selected program and control means for restricting the program in accordance with the information.

Schein shows the ability to require a user to enter a password for certain restricted programs, effectively restricting the program to people who do not have

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the password (fig. 18c, col. 23 lines 1-18, entering password to allow viewing of selected program).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system with the restricted access, as shown by Schein, so that a user could prevent unauthorized viewing of certain programs.


Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

UR


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